

**BEFORE THE ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI**

FILED

AUG 20 2007

ADMINISTRATIVE HEARING
COMMISSION

DOUGLAS M. OMMEN, Director)
Department of Insurance, Financial)
Institutions & Professional Registration)
State of Missouri,)

Petitioner,)

Case No.: 07-0426 DI

vs.)

NORVEL E. BROWN)

&)

MISSISSIPPI VALLEY TITLE, INC.)

Respondents.)

070122098C

STIPULATION OF FACTS AND
CONSENT TO FINDING OF CAUSE FOR DISCIPLINE
AND WAIVER OF HEARING

Pursuant to the terms of Section 536.060, RSMo, as it is made applicable to the Administrative Hearing Commission by Section 621.135, RSMo, the parties to this agreement stipulate to the following facts, waive their right to a hearing and consent to a finding of cause to discipline the insurance producer license of Norvel E. Brown ("Respondent Brown") and the business entity producer license of Mississippi Valley Title, Inc. ("Respondent MVT"), in the above-styled case before the Administrative Hearing Commission ("AHC") of the State of Missouri.

Respondents acknowledge that they have been served, that they have received and reviewed a copy of the Complaint and Notice of Dismissal of Count II of Petitioner's Complaint filed in this case, and that they submit to the jurisdiction of the AHC in this case.

Respondents acknowledge and understand the various procedural rights and privileges

afforded by law. These rights include, but are not limited to: the right to a hearing of the charges against Respondents; the right to appear and be represented by legal counsel at Respondents' expense; the right to have all allegations proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing; the right to present evidence on Respondents' behalf; the right to a decision based upon the record by a fair and impartial Administrative Hearing Commissioner concerning the Complaint pending against Respondents; and the right to a ruling on questions of law by an Administrative Hearing Commissioner.

Having been advised of the procedural rights provided by operation of law, and having been advised that Respondents may consult with counsel on this matter, Respondents knowingly and voluntarily waive these procedural rights and freely enter into this Stipulation of Facts and Consent to Finding Cause for Discipline and Waiver of Hearing ("Stipulation"). The parties also agree to be bound and abide by the terms of this Stipulation.

The parties acknowledge that this Stipulation is an open record of the Director to be made available for inspection to anyone requesting a copy thereof as required by Chapters 374, 610, and 621, RSMo, and that this Stipulation embodies the entire agreement and understanding of the parties with respect to the subject matter contained herein. The parties hereby declare and represent that no promise, inducement, or agreement not herein expressed has been made by either party. The parties stipulate that this Stipulation is in their best interests and is in the best interests of the people of this state. The parties stipulate and agree that neither party is a prevailing party in this action and that neither party is entitled to an award of fees and expenses under the provisions of Section 536.087, RSMo, or any other statute or rule. The parties agree that this Stipulation does not bind or restrict the Director regarding any other or future violations of the insurance laws or statutes by

Respondents. The parties agree that the AHC has jurisdiction over the above-styled case.

Based upon the foregoing, the parties jointly stipulate to the following and request that the AHC adopt the following Stipulation of Facts and Consent to Finding of Cause for Discipline as its own findings of fact, conclusions of law and order:

1. Douglas M. Ommen (“Director”) is the duly appointed Director of the Missouri Department of Insurance, Financial Institutions, and Professional Registration, whose duties include the supervision, regulation and discipline of insurance producers and business entity producers in the state of Missouri.
2. The Missouri Department of Insurance, Financial Institutions and Professional Registration (“the department”) issued Norvel E. Brown (“Respondent Brown”) an insurance producer license which is currently inactive because it expired on March 6, 2006 and was not renewed. (License Number PR178939).
3. The department issued Mississippi Valley Title, Inc. (“Respondent MVT”) a business entity producer license. (License Number AG8008760). Such license is currently inactive because it expired on May 13, 2005 and was not renewed. Respondent MVT is a corporation registered with the Missouri Secretary of State (Charter Number 00467492). At all times relevant to the above styled case, Respondent Brown was Respondent MVT’s registered agent and company President.
4. On March 26, 2007 the department filed a complaint against Respondents with the AHC seeking cause to discipline Respondents’ respective insurance licenses. A copy of the complaint (Case No. 07-0426 DI) was served on Respondents via certified mail. In the complaint, the department sought cause to discipline Respondents’ licenses under §§ 375.141.1(6), 374.755.1(6), and 375.141.1(8), RSMo (Supp. 2006). Respondents received and reviewed a copy of the Complaint

filed with the AHC and waive the filing of an Answer in this case. Respondents submit to the jurisdiction of the AHC. On August 2, 2007, the department dismissed Count II of the Complaint.

5. This Stipulation of Facts and Consent to Finding of Cause for Discipline and Waiver of Hearing was proposed by Petitioner, through his counsel, and subsequently accepted by Respondents.

6. Respondents understand that they have the right to consult legal counsel, at their own expense, and have had the opportunity to consult legal counsel regarding this matter before entering into this Stipulation.

7. The allegations set forth in Counts I and III of Petitioner's Complaint are true. The facts are as follows:

a. On or about February 5, 2007, in the United States District Court, Eastern District of Missouri, Respondent Brown admitted to knowingly violating Title 18, United States Code, Section 1343, wire fraud, the elements of which are as follows:

- i. Defendant devised and intended to devise a scheme and artifice to defraud and to obtain money by means of false and fraudulent pretenses, representations and promises;
- ii. Defendant transmitted and caused to be transmitted in interstate commerce, certain signs, signals and sounds by means of a wire communication; and
- iii. Defendant did so for the purposes of executing the scheme and artifice to defraud.

b. On or about February 5, 2007, in the United States District Court, Eastern District of Missouri, Respondent Brown also admitted to knowingly violating Title 18, United

States Code, Section 664, theft from an employee benefit plan, the elements of which are as follows:

- i. Respondent MVT's 401(k) Profit Sharing Plan was an employee benefit plan within the meaning of ERISA (Employee Retirement Income Security Act);
 - ii. Defendant converted to his own use or the use of another the funds of the plan; and
 - iii. Defendant did so unlawfully and willfully.
- c. At the time of the foregoing actions, Respondent Brown's violations of 18 U.S.C. 1343 and 18 U.S.C. 664 were felonies and/or constituted crimes involving moral turpitude.

8. The parties to this matter stipulate and acknowledge that if the AHC finds cause to discipline Respondents' licenses pursuant to this Stipulation, the Director will, based on the recommendation of the Director's Consumer Affairs Division, revoke Respondents' respective insurance licenses at a disciplinary hearing to be held after the AHC's finding.

9. The parties waive hearing before the AHC in this matter and consent to a finding by the AHC of cause to discipline Respondents' respective insurance licenses based on the above stipulated facts pursuant to § 621.045, RSMo.

10. Respondents further waive their right to a license disciplinary hearing before the department with the understanding that the Director will issue an order revoking Respondents' respective insurance licenses based on the above stipulated facts.

WHEREFORE, the parties to this matter voluntarily and knowingly stipulate and consent to the above cited facts and to a finding of cause to discipline the insurance licenses of Norvel E.

Brown and Mississippi Valley Title, Inc. under the allegations of Counts I and III of the Complaint filed by the Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration in this cause. The parties further request that this Commission issue its Findings of Fact, Conclusions of Law and Order consistent with this Stipulation.

Norvel E. Brown

Norvel E. Brown
Respondent

August 14, 2007
Date

Printed Name: _____
Missouri Bar #: _____
Address: _____

Date

Telephone: _____
Counsel for Respondent
Mississippi Valley Title, Inc.

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Date